

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

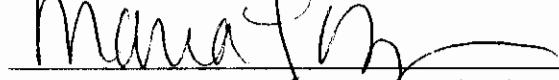
CIVIL ACTION NO.: 05CV11716-MLW

KATHLEEN A. MARTIN)
Plaintiff)
v.) MOTION OF DEFENDANT, BRIGHAM
MERCK & CO., INC., DARTMOUTH-) AND WOMEN'S HOSPITAL, TO DISMISS
HITCHCOCK MEDICAL CENTER,) PLAINTIFF'S CLAIMS PURSUANT TO
DR. ROSHINI PINTO POWELL,) FED. R. CIV. P. 8(a)(2) and (e)(1) and
DR. CHARLES CARR, BRIGHAM) 12(b)(6)
AND WOMEN'S HOSPITAL AND)
DR. PETER J. MILLETT,)
Defendants)

Now comes the defendant, Brigham and Women's Hospital, and pursuant to Federal Rules of Civil Procedure 8(a)(2) and (e)(1) and 12(b)(6), moves to dismiss plaintiff's Complaint against it. As grounds for this Motion, counsel for the defendant submits that plaintiff has failed to give this defendant fair notice of what the plaintiff's claims are and the grounds upon which they rest. Counsel also submits that, accepting all inferences in favor of the plaintiff, there are set of circumstances where the plaintiff would be entitled to relief under the law. As additional grounds, the defendant relies on the attached memorandum of law.

WHEREFORE, the defendant, Brigham and Women's Hospital, respectfully requests the Court to grant this Motion and dismiss plaintiff's Complaint against it with prejudice.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I, Maria L. Mazur, counsel for defendant, Brigham and Women's Hospital, hereby certify that on the 13th day of September, 2005, I served the forgoing by mailing a copy thereof, postage prepaid to:

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